

REMARKS

Response filed March 10, 2008

In a communication dated June 2, 2008, the Examiner states that Applicants' response filed March 10, 2008 fails to comply with 37 C.F.R. § 1.111 because the listing of claims incorrectly identifies the status of claim 2.

The text of claim 2 in the present listing of claims has been corrected to remove markings from an earlier amendment. Thus, claim 2 is recited as previously presented. Reconsideration is respectfully requested.

Claim Status

With this amendment, claims 1-4, 26, and 30-31 are pending and under examination. Claims 5-13, 15-23, and 27-29 are withdrawn. Claims 14 and 24-25 are canceled.

Claims 1 and 26 have been amended to more particularly point out and distinctly claim the subject matter being prosecuted in this application. Specifically, claim 1 has been amended to delete the word "the" from the reference to formula (I). Claims 1 and 26 each have been amended to add the word "the" to the phrase "may be same or different" under the definition of $R_1 - R_{12}$. Claim 1 also has been amended to add the word "the" to the phrase "may be same or different" under the definition of R_{13} and R_{14} . Claim 1 has also been amended to delete the phrases "and also includes combination of one or more double bonds with 'heteroatoms'" and "preferably 1 to 4, and may represent either a linear or branched carbon chain." Claim 26 has also been amended to delete the phrases "and also includes combination of one or more double bonds with 'heteroatoms'" and "[i]t is preferred that n be 1 to 4. The carbon chains which 'n' represents may be either linear or branched." Claim 26 also has been amended to conform to MPEP § 608.01(m) by removing improper periods.

Claim 3 has been amended to correct a minor error, the correction of which would have been obvious to a skilled worker. See MPEP § 2163.07 II, Obvious Errors. Specifically, "solvate" in claim 3, line 2 has been amended to recite "solvent." A skilled worker would have readily recognized that Applicants' reference to "solvate" twice in claim 3 (the first at line 2 and the second at line 4) was an obvious error.

Moreover, the skilled worker would have recognized the appropriate correction because of the connection between a solvate and the associated solvent and because solvents are analogous to the other recited components (i.e., carriers, diluents and excipients), which are also commonly found in pharmaceutical compositions.

Claims 30 and 31 have been added to more particularly point out and distinctly claim the subject matter being prosecuted in this application. Specifically, claim 30 depends from compound claim 1, and further requires that “n is 1 to 4.” Support for claim 30 may be found, for example, on page 5, line 34 of the application as filed. Claim 31 depends from the novel intermediates of claim 26 and further requires that “n is 1 to 4.” Support for claim 31 may be found, for example, on page 26, line 1 of the application as filed.

No new matter has been introduced. Reconsideration of the claims is requested.

Claim Rejection - 35 U.S.C. § 112, Second Paragraph

Claims 1-4 and 26 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for the reasons set forth in the Office Action.

To expedite prosecution of this application, claims 1 and 26 have been amended as discussed in the foregoing comments. In view of the amendments, reconsideration of the claims and withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. Applicants reserve the right to pursue the canceled and/or non-elected subject matter in one or more continuation or divisional applications.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: June 24, 2008

Respectfully submitted,

By

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